

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

**IN RE: AQUEOUS FILM-FORMING FOAMS
(AFFF) PRODUCTS LIABILITY LITIGATION**

MDL No. 2:18-mn-2873-RMG

**This Document Relates to
ALL CASES**

**JOINT MOTION TO APPOINT EISNER ADVISORY GROUP AS THE PARTIES’
SHARED FACT SHEET VENDOR UNDER CMO NO. 5G AND 31**

On October 15, 2024, this Court issued Case Management Order (“CMO”) No. 31 Governing the Form, Procedure and Schedule for the Completion of a Plaintiff Profile Form (“PPF”). The CMO provides that the PEC and DCC shall mutually agree to a Portal Vendor to allow for the electronic submission of PPFs (*see* CMO No. 31, at 2). The CMO also recognizes “that the Parties are conferring on a revised Personal Injury Plaintiff Fact Sheet and arranging for a digital Portal Vendor” (*Id.* at 5). The parties have jointly selected Eisner Advisory Group (“EAG” or “EisnerAmper”)¹ to act as Portal Vendor for the PPF and for the Amended Personal Injury Fact Sheet, which the parties have recently moved the Court to approve (ECF No. 6429). The parties therefore now respectfully seek an Order from the Court appointing Eisner Advisory Group as the PPF and PFS Portal Vendor.

EisnerAmper consistently ranks among the top accounting and business advisory firms in the United States. It is comprised of over 4,000 employees in 35 offices. As elaborated further

¹ Eisner Advisory Group includes Eisner Advisory Group LLC, its subsidiary entities, including EAG Gulf Coast, LLC, and the team formerly known as Postlethwaite & Netterville, APAC. Eisner Amper is the brand name under which Eisner Advisory Group LLC and its subsidiary entities provide professional services.

upon in EAG partner Dustin Mire's prior declarations before this Court in connection with his appointment as Claims Administrator for the 3M, DuPont, Tyco and BASF Water Provider Settlements (*see* ECF Nos. 3370-10, 3393-9, 4911-10 and 5053-10), the EAG team is well-versed in supporting complex litigation, as well as familiar with the AFFF MDL.²

As set forth in CMO No. 31, all law firms representing Plaintiff(s) in this MDL must register with the Portal Vendor. Thereafter the Portal Vendor's role shall include effectuating the process described in CMO 31 and proposed CMO 5G, including building a portal that will allow for the electronic submission of required PPFs, PI PFSs and other supporting data, ensuring that law firms representing MDL plaintiffs are able to (and do in fact) register within the portal, receiving and reflecting in the portal any and all completed PPF and PFS forms uploaded, designing the portal in such a way that allows for the production of responsive, non-privileged documents, supporting the parties and the Court by the provision of reports from the portal, and all other duties required to comply with CMO 31 and 5G.

For the reasons set forth herein, the parties respectfully request that the Court order the appointment of Eisner Advisory Group as CMO No. 31 Portal Vendor. An affidavit in accordance with Fed. R. Civ. P. 53(b)(3)(A) executed by Dustin Mire is attached hereto as Exhibit A. In addition, a true and correct copy of a document titled "EisnerAmper Firm Information and Qualifications" is attached as Exhibit B.

Dated: December 3, 2024

Respectfully submitted,

² After careful consideration, the parties and EAG are confident that EAG's current roles as Claims Administrator in the water provider plaintiff settlements will not pose any logistical issues to serving as Portal Vendor, nor hinder its ability to fulfill its current duties. Similarly, no conflict of interest is presented by EAG also serving as Portal Vendor and Claims Administrator for differing categories of plaintiff in this MDL, but rather may actually allow for cost savings and other efficiencies.

/s/Michael A London

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CERTIFICATE OF
SERVICE

I hereby certify that a true and correct copy of the foregoing was electronically filed with this Court's CM/ECF on this 3rd day of December, 2024 and was thus served electronically upon counsel of record.

/s/ Michael A. London

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